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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,183	09/17/2003	Loren Eugene Karnes	20030820-001	3323
7590	04/06/2005		EXAMINER	
Roger L. Belfay 829 Tuscarora Avenue Saint Paul, MN 55102		THOMPSON, HUGH B		
		ART UNIT		PAPER NUMBER
		3634		

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/664,183	KARNES ET AL.	
	Examiner	Art Unit	
	Hugh B. Thompson II	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 December 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) 9 and 10 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: dictionary pg 158

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "*means*" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 8 both depend from claim 1, and they recite the exact same subject matter, as such, one of the claims should be canceled or the scope of the claim changed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Da-Tan et al #4,941,549. Da-Tan et al disclose an escape system comprised of harness 52, rope/cables/chains 21, 41, reel 19, shaft 17, reduction gear assembly 23, 25, 26, 42, brake assembly 20, discs 27, 28, centrifugal member 31, housing 12, and fixing means 34.

Allowable Subject Matter

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The primary reason for the allowable subject matter is the inclusion of a shaft connecting the central disk and piercing the casing to connect to an external source of rotary motion. The prior art of record fails to teach or suggest the claimed features absent the applicants' own disclosure.

Response to Arguments

Applicant's arguments filed in the Amendment of 12-20-04 have been fully considered but they are not persuasive. The applicant's attention is drawn to the provided Merriam Webster's 10th Edition meaning of cable, i.e., "a wire rope or metal chain of great tensile strength". It is well accepted within the art to refer to a cable as a chain or rope. As such applicant's argument with respect to a rope/cable versus a chain will not be addressed further. In addition , the applicant fails to *claim* that the present invention teaches "a cable and reel assembly in which the cable is payed out (not circulated) by rotation of the wheel". The claim limitation "for storage of the cable" does not impart the aforementioned "teaching". It is

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suggested that the applicant recite that the cable is housed in a coiled position on the reel and is then "payed out and not circulated by rotational of the wheel." Absent such a recitation, the Da-Tan et al reference "reads-on" the system as claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (703) 305-0102. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hugh B. Thompson II
Primary Examiner
Art Unit 3634

April 1, 2005



c \sé\ n, pl c's or cs \séz\ often cap, often attrib 1 a : the 3rd letter of the English alphabet b : a graphic representation of this letter c : a speech counterpart of orthographic c 2 a : one hundred — see NUMBER table b slang : a sum of \$100 3 : the keynote of a C-major scale 4 : a graphic device for reproducing the letter c 5 : one designated c esp. as the 3rd in order or class 6 a : a grade rating a student's work as fair or mediocre in quality b : one graded or rated with a C 7 : something shaped like the letter C 8 : a structured programming language designed to produce a compact and efficient translation of a program into machine language

ca' \kó, ká\ Scot var of CALL
cab \kab\ \kab\ n [Heb qabah] (1535) : an ancient Hebrew unit of capacity equal to about two quarts (2.2 liters)

cab \kab\ n [short for cabriolet] (1827) 1 a (1) : CABRIOLET (2) : a similar light closed carriage (as a hansom) b : a carriage for hire 2 : TAXICAB 3 [short for cabin] a : the part of a locomotive that houses the engineer and operating controls b : a comparable shelter (as on a truck) housing operating controls

cab-a-bal \ká-bal\ n [F cabale cabala, intrigue, cabal, fr. ML cabala cabala; fr. L Heb qabbalah, lit., received (lore) (1614) : the artifices and intrigues of a group of persons secretly united to bring about an overturn or usurpation esp. in public affairs; also : a group engaged in such artifices and intrigues syn see PLOT

cab-al-va'le \ká-bal'-é\ n [It] (1860) 1 : to unite in or form a cabal ca-bal-ia or ca-bal-ia or cab-bal-ah \ká-bal-é, -ba\ n, often cap [ML cabbala] (1521) 1 : a medieval and modern system of Jewish theosophy, mysticism, and thaumaturgy marked by belief in creation through emanation and a cipher method of interpreting Scripture 2 a : a traditional, esoteric, occult, or secret matter b : esoteric doctrine or mysterious art — cab-a-lism \ká-bal-izm\, -ka\ adj

ca-bal-let-ta \ká-bal-é-ta\, -bi\ n [It] (1842) 1 : an operatic song in simple popular style characterized by a uniform rhythm 2 : the lively bravura concluding section of an extended aria or duet

ca-bal-list \ká-bal-ist\, -bi\ n (ca. 1533) 1 often cap : a student, interpreter, or devotee of the Jewish cabala 2 : one skilled in esoteric doctrine or mysterious art

ca-bal-list \ká-bal-ist\, -bi\ n (1569) : a member of a cabal ca-bal-le-ro \ká-bal-é-ro\, -lo, -bo\ n, pl -ros [Sp, fr. LL cabalarius hostler — more at CAVALIER] (1749) 1 : KNIGHT, CAVALIER 2 chiefly Southwest

ca-bana \ká-ban-yo, -ba-na\ n [Sp cabaña, lit., hut, fr. ML capanna] (1890) 1 : a shelter resembling a cabin usu. with an open side facing a beach or swimming pool 2 : a lightweight structure with living facilities

cab-a-ret \ká-bal-ré\, -ba\ n [F, fr. ONF] (1655) 1 archaic : a shop selling wines and liquors 2 a : a restaurant serving liquor and providing entertainment (as by singers or dancers) : NIGHTCLUB b : the show provided at a cabaret

cab-bage \ká-bij\ n, often attrib [ME caboce, fr. ONF, head] (15c) 1 : a leafy garden plant (*Brassica oleracea capitata*) of European origin with a short stem and a dense globular head of usu. green leaves that is used as a vegetable 2 slang : PAPER MONEY, BANKNOTES

cabbage \n [perh. by folk etymology, fr. MF *cabas* cheating, theft] (1663) Brit : pieces of cloth left in cutting out garments and traditionally kept by tailors as perquisites

cabbage v cab-baged; cab-bag-ing (1712) : STEAL, FILCH

cabbage butterfly \n (1816) : any of several largely white butterflies (family Pieridae) whose green larvae are cabbageworms; esp. : a small cosmopolitan butterfly (*Pieris rapae* syn. *Argoletia rapae*) that is a pest on cabbage — called also cabbage white

cabbage looper \n (ca. 1902) : a noctuid moth (*Trichoplusia ni*) having pale green white-striped larvae that feed on cruciferous plants (as the cabbage)

cabbage palm \n (ca. 1784) : a palm with terminal buds eaten as a vegetable

cabbage palmetto \n (1802) : a cabbage palm (*Sabal palmetto*) with fan-shaped leaves that is native to coastal southeastern U.S. and the Bahamas

cabbage rose \n (1795) : a fragrant garden rose (*Rosa centifolia*) with upright branches and large pink flowers

cab-bage-worm \ká-bij-,wörm\ n : an insect larva (as of a cabbage butterfly) that feeds on cabbages

cab-bit or cab-by \ká-be\ n, pl cabbies (1859) : CABDRIVER

cab-driv'er \kab-,drí-vér\ n (1830) : a driver of a cab

cab-bar \ká-bar, -bár\ n [Sc Gael *cabar*] (1505) : POLE esp. : a young tree trunk used for tossing as a trial of strength in a Scottish sport

cab-er-net sau-vignon \ká-bar-ná-só-vé-'nyón\ n, often cap C&S [F] (1941) : a dry red wine made from a single widely cultivated variety of black grape — called also cabernet

cab-in \ká-bin\ n [ME *cabane*, fr. MF, fr. OProv *cabane* hut, fr. ML capanna] (14c) 1 a : a private room on a ship or boat (2) : a compartment below deck on a boat used for living accommodations b : the passenger or cargo compartment of a vehicle (as an airplane or automobile) c : the crew compartment of an exploratory vehicle (as a spacecraft) 2 : a small one-story dwelling usu. of simple construction

chiefly Brit : CAB 3

cabin vi (1586) : to live in or as if in a cabin ~ vt : CONFINE

cabin boy \n (1726) : a boy working as servant on a ship

cabin car \n (1898) : CABOOSE

cabin class \n (1929) : a class of accommodations on a passenger ship superior to tourist class and inferior to first class

cabin cruiser \n (1921) : CRUISER 1b

cabi-net \kab-nit, -ba\ n [MF, small room, dim. of ONF *cabine* gambling house] (ca. 1550) 1 a : a case or cupboard usu. having doors and shelves b : a collection of specimens esp. of biological or numismatic interest

c : CONSOLE 4a d : a chamber, having tempera-

Attachment!

ture and humidity controls and used esp. for incubating biological samples 2 a archaic : a small room providing seclusion b : a small exhibition room in a museum 3 a archaic (1) : the private room serving as council chamber of the chief councillors or ministers of a sovereign (2) : the consultations and actions of these councillors (1) often cap : a body of advisers of a head of state (2) : a similar advisory council of a governor of a state or a mayor c Brit : a meeting of a cabinet

cabinet adj (1631) 1 : of or relating to a governmental cabinet : suitable by reason of size for a small room or by reason of attractiveness or perfection for preservation and display in a cabinet 3 : used or adapted for cabinetmaking b : done or used by a cabinet maker

cabi-net-mak'er \-mä-kär\ n (1681) : a skilled woodworker who makes fine furniture — cab-i-net-mak-ing \-mä-kiŋ\ n

cabi-net-ry \kab-ni-tré, 'ka-ba-\ n (1926) : CABINETWORK; also : CABINETS (Kitchen ~)

cabi-net-work \-wörk\ n (1732) : finished woodwork made by a cabinetmaker

cabin fever \n (1918) : extreme irritability and restlessness from living in isolation or a confined indoor area for a prolonged time

cabi-bal \ká-bal\ n, often attrib [ME, fr. ML *capulum lasso*] 1 *Caper* to take — more at HEAVE (13c) 1 a : a strong rope esp. of 10 inches (25 centimeters) or more in circumference b : a cable-haul rope c : a wire rope or metal chain of great tensile strength d : wire or wire rope by which force is exerted to control or operate a mechanism 2 : CABLE LENGTH 3 a : an assembly of electrical conductors, insulated from each other but laid up together by being twisted around a central core b : CABLEGRAM; also : a radio message or telegram 4 : something resembling or fashioned like a cable (fiber-optic ~) 5 : CABLE TELEVISION

cable vb cab-bled; cab-bling \ká-b(b)-l(y)\ vi (ca. 1500) 1 : to fasten with or as if with a cable 2 : to provide with cables 3 : to telegraph by submarine cable 4 : to make into a cable or into a form resembling a cable ~ vi : to communicate by a submarine cable

cable car \n (1887) : a vehicle moved by an endless cable: a : one suspended from an overhead cable b : one that moves along tracks

cable-gram \ká-bal-gram\ n (1868) : a message sent by a submarine telegraph cable

cable-laid \ká-bal-läd\ adj (1723) : composed of three ropes laid together left-handed with each containing three strands twisted together

cable length \n (1555) : a maritime unit of length variously reckoned as 100 fathoms, 120 fathoms, or 608 feet

cable television \n (1965) : a system of television reception in which signals from distant stations are picked up by a master antenna and sent by cable to the individual receivers of paying subscribers — called also cable TV

cable-way \ká-bal-wäy\ n (1899) : a suspended cable used as a track along which carriers can be pulled

cab-man \kab-män\ n (1834) : CABDRIVER

cab-o-chon \kab-ô-shón\ n [MF, dim. of ONF *caboch* head] (1578) : a gem or bead cut in convex form and highly polished but not faceted; also : this style of cutting — cabochon adj

ca-bood-le \ká-bü-dü\ n [prob. fr. *ca-* (intensive prefix) + *boodle*] (ca. 1848) : COLLECTION, LOT (sell the whole ~)

ca-boose \kab'-büs\ n [prob. fr. D *kabüs*, fr. MLG *kabüse*] (1769) : a ship's galley 2 : a freight-train car attached to, or behind, the rear mainly for the use of the train crew 3 : one that follows or brings up the rear

cab-o-tage \ká-bal-täzh\ n [F, fr. *caboter* to sail along the coast] (1811) 1 : trade or transport in coastal waters or airspace or between two points within a country 2 : the right to engage in cabotage

ca-bretta \ká-bre-tä\ n [modif. of Pg and Sp *cabra* goat] (1925) : light soft leather from skins of hairy sheep

ca-brilla \ká-bré-ä, -bré-ä\ n [Sp, dim. of *cabra* goat, fr. L *capra* the goat, fem. of *capere* he-goat — more at CAPRIOLE] (1859) : any of various sea basses (esp. of the genera *Epinephelus* and *Paralabrax*) of the Mediterranean, the California coast, and the warmer parts of the western Atlantic

cab-ri-ole \ká-bré-öö\ n [F, caper] (ca. 1797) 1 : a ballet leap in which one leg is extended in midair and the other struck against it 2 : a curved furniture leg ending in an ornamental foot

cabi-ri-o-let \ká-bré-ä-lët\ n [F, fr. dim. of *cabrio* caper, alter. of MF *capriole*] (1763) 1 : a light 2-wheeled one-horse carriage with a folding leather hood, a large apron, and upward-curving shafts 2 : a convertible coupe

cab-stand \kab-stand\ n (1848) : a place where cabs await hire

cac- or caco- comb form [NL, fr. Gk *kek-*, *kako-*, fr. *kakos* bad] : *cacogrophy*

ca-can-y \kó-ka-né\ n [Sc, vb. to proceed cautiously, fr. *ca-* (call)] : *canny* careful (1886) Brit : SLOWDOWN — ca-can-y vi, Brit

ca-cao \ká-kä॒-ü, -kä॒-(ü)\ n, pl cacaos [Sp, fr. Nahuatl *cacahuatl* cacao beans] (1555) 1 : the dried partly fermented fatty seeds of a South American evergreen tree (*Theobroma cacao*) of the family Sterculiaceae that are used in making cocoa, chocolate, and cocoa butter — called also cacao bean, cacao bean 2 : a tree having small yellowish flowers followed by fleshy pods with many seeds that bears cacao

cacao butter var of COCOA BUTTER

cac-cla-to-re \ká-cha-čö-, -tö-rë\ adj [It, fr. *cacciatore* hunter] (1848)

cooked with tomatoes and herbs and sometimes wine (chicken ~)

cach-a-lot \ká-shä-lät, -lä\ n [F] (1747) : SPERM WHALE

cache \kash\ n [F, fr. *cacher* to press, hide, fr. (assumed) VL *cocherare* to press together, fr. *coactare* to compel, freq. of *cogere* to compel — more at COGET] (1797) 1 a : a hiding place esp. for concealing and preserving provisions or implements b : a secure place of storage 2 : something hidden or stored in a cache 3 : a computer memory with very short access time used for storage of frequently used instructions or data — called also cache memory

cache vi cached; caching (1805) : to place, hide, or store in a cache

cach-e-ctic \ká-kek-tik, -kä॒-ü\ adj [F *cachectique*, fr. L *cachecticus* Gk *kachektitikos*, fr. *kak-* + *echē*] (1634) : affected by cachexia

cach-e-pot \kash-pät, 'kash-pö\, -sha-\ n [F, fr. *cacher* to hide + *pot*] (1872) : 1 a : an ornamental receptacle to hold and use to conceal flowerpot

cachet \ká-shä\ n [I] : mark of official ai great prestige 2 a : PRESTIGE Truman Capote) 3 : sign of a case usu. of design or inscription

cach-in-nate \ká-ko-kashin-nät\, imit. or

cach-in-na-tion \ká-ko-kashin-näshn\, -shn

cachet \ká-shä\ n [I] chief in areas domin

cachet \ká-shä\ n [I] characteristic of a hen esp. i manner 3 : CHATTER

cachet-ation \ká-ko-kashin-nät\, imit. or

cachet \ká-shä\ n [I] *calm* (spirit) (1594)

cachet-ic acid \ká-ko-kashet-ik\, -shet-ik

cachet \ká-shä\ n [I] foul-smell more at ODOR] (1

C₂H₄O₂ used esp. a

cachet-ic thes \ká-ko-kashet-ik\ me at SB] (ca. 1587) : an

cachet-raphy \ká-ko-kashet-raf\, -raphy

cachet-raphy 2 : ba

cachet-ical \ká-ko-kashet-ikal\, -ical

cachet-ic misle \ká-ko-kashet-ik\

cachet-ous \ká-ko-kashet-ous\, -ous

cachet-ous me at SB] (ca. 1587) : an

cachet-ous voice, phone voice

cachet-ousy \n [I] :

cachet-ousy \n [I] :